IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6252 of 2005

Between:

1. Vandrasi Durgamba, W/o. Chellaiah,
   Plot No. 1,
2. Marupilla Aruna, W/o. Adinarayana,
   Plot No. 3,
3. Vandrasi Manga, W/o. Appala Raju,
   Plot No. 4,
4. Irippilli Bhavani, W/o. Shiva,
   Plot No. 5,
5. Satyala Paidamma, W/o. Muthyalu,
   Plot No. 10,
6. Satyala Appayamma, W/o. Tata Rao,
   Plot No. 11,
7. Irippilli Yellayamma , W/o. Atchuta Rao,
   Plot No. 12,
8. Pilla Paidamma , W/o. Sadhu,
   Plot No. 15,
9 Vandrasi Laxmi, W/o. Appa Rao,
   Plot No. 16,
10. Nagothu Yellamma, W/o. Chittibabu,
    Plot No. 21,
11. Jagupilli Chinna, W/o. Ganga Raju,
    Plot No. 22,
12. Pilla Appayamma, W/o. Late Guruvulu,
    Plot No. 25,
13. Bevara Akkayamma, W/o. Krishna Swami,
    Plot No. 27,
14. Dhukha Cheeralu , W/o. Mukundaiah,
    Plot No. 29,
15. Nagothu Akileswari, W/o. Appala Raju,
    Plot No. 32,
16. Marupilla Anjali, W/o. Peda Appala Murthy,
    Plot No. 33,
17. Vandrasi Laxmi, W/o. Rambabu,

Plot No. 34,
18. Bevara Appala Narasamma, W/o. Narasinga Rao,
Plot No. 43,
19. Nagothu Appala Narasamma, W/o.Suri Babu,
Plot No. 47,
20. Satyala Narasayamma, W/o. Appa Rao,
Plot No. 48,
21. Bunka Laxmi , W/o. Suri Babu, Plot No.49,
22. Nagothu Kumari, W/o.Appala Raju,
Plot NO. 50,
23. Nagothu Appalakonda, W/o. Appala Raju
Plot No.57,
24. Pothina Krishna Veni, W/o. Ramasuri,
Plot No.59,
25. Bevara Atchiyamma, W/o. Chinna Appa Rao,
Plot No.61,
26. Bevara Laxmi, W/o. Raju,
Plot No.63,
27. Pothina Appala Konda, W/o. Appa Rao,
Plot No.64,
28. Bevara Ramanamma, W/o. Narasinga Rao,
Plot No.67,
29. Pothina Atchuta, W/o. Venkanna,
Plot No.74,
30. Makina Rambai, W/o. Papaiah Patrudu,
Plot No.78,
31. Dhukha Ramanamma, W/o. Ramana,
Plot No.79,
32. Mudili Aruna, W/o. Sankara Rao,
Plot No.80,
33. Gare Yellayamma, W/o. Raja Rao,
Plot No.81,
34. Nagothu Jhansi, W/o. Srinivasa Rao,
Plot No.84,
35. Pothina Pedammamma, W/o. Satyanarayana,
Plot No.85,
36. Pothina Sannayamma, W/o. Rama Rao,
Plot No.86,
37. Naru Ramana, W/o. Narasiyya,
Plot No.87,
38. Vandrasi Paidamma, W/o. Appala Narasayya,
Plot No.89,
39. Nagothu Atchutamma, W/o,. Tata Rao,
Plot No.90,
40. Iripilli Ramanamma, W/o. Santa Appa Rao,
Plot No. 91,
41. Iripilli Appalanarasamma, W/o. Tataiah,
Plot No. 92,
42. Nagothu Appalanarasamma, W/o. Appala Swamy,
Plot No. 93,
43. Nagothu Yellayamma, W/o. Appala Swami,
Plot No. 94,
44. Nathoghu Appala Narsamma, W/o. Sadhu,

Plot No. 95,
45. Bora Ramayamma, W/o. Sadhu,
Plot No. 96,
46. Seeram Appalanarasamma, W/o. Yella Rao,
Plot No. 97,
47. Nagothu Appalakonda, W/o. Chinna Simhachalam,
Plot No. 98,
48. Nagothu Bangaramma, W/o. Rambabu,
Plot No. 100,

All are residents of Nagarapalem,
H/o. Madhurawada, Chinagadili Mandal, Vizag District.
49. Kolli Rama Lakshmi, W/o. Appa Rao,
Plot No. 103,
50. Doddi Ramayamma, W/o. Raja Rao,
Plot No. 106,
51. Meesala Appalakonda, W/o. Appalanaidu,
Plot No. 108,
52. Kolli Laxmi, W/o. Tata Rao,
Plot No. 110,
53. Giduturi Appalakonda, W/o. Appanna,
Plot No. 112,
54. Kalamata Kanaka Mahalaxmi, W/o. Narasinga Rao,
Plot No. 114,
55. Tippana Sanyasamma, W/o. Sreenu,
Plot No. 117,
56. Pentapalli Kanaka, W/o. Suri,
Plot No. 118,
57. Kolli Narayanamma, W/o. Ramana,
Plot No. 122,
58. Penukonda Atchayamma, W/o. Sanyasi Rao,
Plot No. 126,
59. Malu Kondamma, W/o. Trinath,
Plot No. 130,
60. Alamanda Mangaveni, W/o. Bhaskara Rao,
Plot No. 131.

All are residents of Mallayyapalem,
Chinagadili Mandal, Vizag District.
61. Kalivelupu Narasayamma, W/o. Appala Raju,
Plot No. 154,
62. Budumuri Kondamma, W/O. Narsinga Rao,
Plot No. 155,
63. Siyyadri Laxmi, W/o. Gurumurthy,
Plot No. 157,
64. Vijjapu Narasinga Rao, S/o. Bangarayya,
Plot No. 163,
65. Bandaru Paidiraju, W/o. Venkata Swami,
Plot No. 167,
66. Kolli Kondamma, W/o. Tata Rao,
Plot No. 179,
67. Giduturu Yellamma, W/o. Appala Raju,
Plot No. 182,
68. Alamanda Sadamma, W/o. Appa Rao,

Plot No. 183,
69. Bogi Rama Maheswaramma, W/o. Babu Rao,
Plot No. 221,
70. Mupidi Srilaxmi, W/o. Sanjeeva Rao,
Plot No. 222,
71. Singapati Tarakamma, W/o. Rama Rao,
Plot No. 223,
72. Bhudibata Ratnakumari, W/o. Krishna,
Plot No. 224,
73. Nimmakayala Adamma, W/o. Raja Rao,
Plot No. 225,
74. Pilash Simhachalam, W/o. Raju,
Plot No. 230,
75. Mutyala Padmavathi, W/o. Eswara Rao,
Plot No. 250,
76. Mandala Paidamma, W/o. Appa Rao,
Plot No. 264,
77. Patnala Satyavathi, W/o. Narayana,
Plot No. 323,
78. Chittiboyina Appalanarasamma, W/o. Ganga Raju,
Plot No. 324,
79. Nalla Appalakonda, W/o. Nagaraju,
Plot No. 325,

All are labour and residents of Madhurawada,

Chinagadili Mandal, Visakha Diastrict.

..... PETITIONERS

AND

1. The District Collector, Visakhapatnam District,

Visakhapatnam.
2. The Mandal Revenaue Officer, Visakhapatnam Mandal,

Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, directing the respondents to provide other lands belonging to Government for Rajeev Gruha Kalpa Programme without evicting the petitioners from their assigned lands declaring the action of the respondents in demanding the petitioners to surrender the assigned house sites as *ultra vires*, arbitrary, unconstitutional and opposed to the principles of law.

Counsel for the Petitioners: MR.S.V.R.SUBRAHMANYAM

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

The Court made the following :

O R D E R :

The petitioners, seventy nine in number, claim that they were granted house site pattas in the year 1998 and they have been in continuous possession from the date of their assignment.

2. This writ petition is filed aggrieved by the alleged action of the respondents in seeking to dispossess the petitioners from the lands in question and proposing to assign the same to third parties under Rajeev Gruha Kalpa Programme.

3. The petitioners contended that the pattas granted in their favour are still subsisting, and therefore, the action of the respondents is arbitrary and illegal.

4. The learned Government Pleader for Revenue, under instructions, submitted that though it is true that the petitioners were granted pattas in the year 1998, they failed

to occupy the site allotted to them and failed to construct any houses in the allotted land. He further submitted that as per the conditions of grant of house site pattas, the allottees have to occupy the land within twelve months from the date of assignment and since they failed to do so, the respondents are taking steps to cancel their pattas by following due process of law.

5. In the circumstances, the statement of the learned Government Pleader is placed on record and the writ petition is disposed of, making it clear that the petitioners shall not be dispossessed from the land in question as long as the pattas granted in their favour are subsisting. This shall not preclude the respondents to initiate steps for cancellation of pattas in accordance with law and to recover possession following due process of law.

6. Accordingly, the writ petition is disposed of. No costs.

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G.ROHINI, J.

Dated: 24th March, 2005.

Cs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Visakhapatnam District,

Visakhapatnam.
2. The Mandal Revenaue Officer, Visakhapatnam Mandal,

Visakhapatnam.

3. Two C.Cs. to the Government Pleader for Revenue, High Court

Buildings, Hyderabad. (O.U.T.)

4. 2 CD copies

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